

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

Spencer Frye,

Plaintiff,

Case No.: 14-12089

State Court Case No.: 14C-1840

v.

General Revenue Corporation,

Defendant.

NOTICE OF REMOVAL

Defendant General Revenue Corporation (“Defendant”) hereby gives notice of removal of this action from the State of Michigan’s 14-B Judicial District Court to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support thereof, Defendant states as follows:

1. On or about April 29, 2014, Plaintiff Spencer Frye (“Plaintiff”) filed the above captioned civil action in the State of Michigan’s 14-B Judicial District Court, Case No.: 14C-1840 (“Complaint”).

2. Defendant was served with the Complaint on May 2, 2014.

3. Thereafter, on May 12, 2014, Plaintiff filed a Demand and Order for Removal of the action to the General Civil Division.

4. This Notice of Removal has been timely filed within 30 days of service of the Complaint pursuant to 28 U.S.C. § 1446(b).

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be properly removed pursuant to 28 U.S.C. §§ 1441 and 1446, as the claims asserted in the Complaint arise under the laws of the United States and raise a federal question.

5. Plaintiff's complaint asserts violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") and the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* ("TCPA").

6. The district courts of the United States have original jurisdiction in civil actions arising under both the FDCPA and the TCPA.

7. Defendant removes this action to the United States District Court for the Eastern District of Michigan because it is the venue that encompasses Ypsilanti, Michigan. Defendant removes this action without prejudice to Defendant's right to seek transfer of this action pursuant to 28 U.S.C. § 1404.

8. True and correct copies of the following documents are attached to this Notice of Removal:

- (a) all process, pleadings and orders which have been served upon Defendant in this action are attached in accordance with 28 U.S.C. § 1446(a) and this Court's ECF guidelines; and
- (b) the Notice of Filing of Notice of Removal which has been served upon Plaintiff and filed with the Clerk of the Court for State of Michigan 14-B Judicial District Court is attached as **Exhibit A** in accordance with 28 U.S.C. § 1446(d).

9. Based upon the foregoing, this action is properly removed on the basis

of federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

WHEREFORE, Defendant General Revenue Corporation requests that this action proceed in the United States District Court for the Eastern District of Michigan.

Respectfully Submitted,

/s/ Charity A. Olson
Charity A. Olson (P68295)
Olson Law Group
Attorneys for Defendant
2723 S. State St., Suite 150
Ann Arbor, MI 48104
(734) 222-5179
colson@olsonlawpc.com

Dated: May 24, 2014

CERTIFICATE OF SERVICE

I, Charity A. Olson, hereby certify that on May 24, 2014, a copy of the foregoing Notice of Removal was filed via the Court's ECF system and served via postage pre-paid, first class mail upon the following:

State of Michigan
14-B Judicial District Court - Civil
7200 S. Huron Drive
Ypsilanti, MI 48197

Spencer Frye
6241 Aspen Way
Ypsilanti, MI 48197

/s/ Charity A. Olson
Charity A. Olson

Original - Court (with instructions)
 1st copy - Defendant (with instructions)
 2nd copy - Plaintiff (with instructions)
 3rd copy - Return (with proof of service)

Approved, SCAO

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STATE OF MICHIGAN JUDICIAL DISTRICT <u>14B</u>	AFFIDAVIT AND CLAIM Small Claims	CASE NO. <u>14C-1840</u>
Court address <u>7200 South Huron River Drive</u> <u>Ypsilanti MI 48197</u>		Court telephone no. <u>(734) 483-5300</u>

See instructions on the back of plaintiff and defendant copies.

1. Spencer Frge
 Plaintiff
6241 Aspen Way
 Address
Ypsilanti MI 48197 (313) 608-4424
 City, state, zip Telephone no.

2. General Revenue Corporation
 Defendant
4660 Duke Drive suite 300
 Address
Mason, Ohio 45040 855-397-2355
 City, state, zip Telephone no.

NOTICE OF HEARING	
For Court Use Only	
The plaintiff and the defendant must be in court on _____ at _____ Time _____ Location _____ Process server's name <u>CERT MAIL</u>	
YOU WILL RECEIVE A SEPARATE NOTICE OF YOUR COURT DATE. BE SURE TO NOTIFY THE COURT OF ANY CHANGE OF ADDRESS.	
Fee paid: \$ <u>52.00</u>	above.

☐ 3. A civil action between these parties or other parties arising out of the transaction or occurrence alleged in this complaint has been previously filed in _____ Court. The case number, if known, is _____
 The action ☐ remains ☐ is no longer pending.

4. I have knowledge or belief about all the facts stated in this affidavit and I am
☒ the plaintiff or his/her guardian, conservator, or next friend. ☐ a partner. ☐ a full-time employee of the plaintiff.

5. The plaintiff is ☒ an individual. ☐ a partnership. ☐ a corporation. ☐ a sole proprietor. ☐ Other _____

6. The defendant is ☐ an individual. ☐ a partnership. ☒ a corporation. ☐ a sole proprietor. ☐ Other _____

7. The date(s) the claim arose is/are 2013-2014
 Attach separate sheets if necessary

8. Amount of money claimed is \$ 1,500 (NOTE: Plaintiff's costs are determined by the court and awarded as appropriate. They are not part of the amount claimed.)

9. The reasons for the claim are Collector keeps calling me on my cell phone at work with out my consent

10. The plaintiff understands and accepts that the claim is limited to \$5,000 by law and that the plaintiff gives up the rights to (a) recover more than this limit, (b) an attorney, (c) a jury trial, and (d) appeal the judge's decision.

11. I believe the defendant ☒ is ☐ is not mentally competent. I believe the defendant ☒ is ☐ is not 18 years or older.

12. ☒ I do not know whether the defendant is in the military service. ☐ The defendant is not in the military service.
☐ The defendant is in the military service.

Subscribed and sworn to before me on 4/29/14, Signature [Signature] County, Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy clerk/Notary public

Notary public, State of Michigan, County of _____

The defendant(s) must be served by 7/30/14.
 Expiration date

This form is available from
Target Information Management, Inc.
(517) 337-1214

Original - Court
1st copy - Plaintiff
2nd copy - Defendant

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT

DEMAND AND ORDER FOR REMOVAL
Small Claims

CASE NO.

14C-1840

Court address 7200 S. Huron River Drive
Ypsilanti, MI 48197

Court telephone no.

(734) 483-5300

Plaintiff's name and address

SPENCER FRYE
6241 Aspen Way
Ypsilanti, MI 48197

v

☐ Personal service

Defendant's name and address

General Revenue Corporation
4660 Duke Dr Ste 300
Mason OH 45040

☐ Personal service

This demand is made by: ☒ plaintiff ☐ defendant

DEMAND

I demand that this case be removed from the small claims division to the general civil division of the court.

5-12-14
Date

Signature of party demanding removal

Name (type or print)

Address

City, state, zip

Telephone no.

ORDER

IT IS ORDERED: This case is removed to the general civil division of the court for further proceedings. The defendant shall file a written answer and serve it within 14 days from the date of this order as provided in court rule.

5-12-14
Date

Judge/Attorney magistrate

Bar no.

CERTIFICATE OF MAILING

I certify that on this date a copy of this demand and order was served on the parties indicated above by ordinary mail.

5/13/14
Date

Court clerk